

Fill in this information to identify the case:

Debtor 1 Ford City Condominium Association

Debtor 2
(Spouse, if filing) _____

United States Bankruptcy Court for the: Northern District of Illinois

Case number 21-05193

Official Form 410

Proof of Claim

12/15

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>Ford City Realty LLC, Ford City CH LLC, and Ford City Nassim LLC</u> Name of the current creditor (the person or entity to be paid for this claim)		
	Other names the creditor used with the debtor _____		
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____		
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? <u>Peter A. Siddiqui</u> Name <u>525 West Monroe Street</u> Number Street <u>Chicago IL 60661</u> City State ZIP Code Contact phone <u>(312) 902-5455</u> Contact email <u>peter.siddiqui@katten.com</u> Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Where should payments to the creditor be sent? (if different) <u>Joshua Hackman</u> Name <u>150 Great Neck Road, Suite 304</u> Number Street <u>Great Neck NY 11021</u> City State ZIP Code Contact phone <u>(516) 773-0010</u> Contact email <u>josh@namdarllc.com</u>	
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY		
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____		

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____
7. How much is the claim?	\$ 1,399,635.48. Does this amount include interest or other charges? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. Amounts owed for water supplied to Debtor _____
9. Is all or part of the claim secured?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____ Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: \$ _____ Amount of the claim that is secured: \$ _____ Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.) Amount necessary to cure any default as of the date of the petition: \$ _____ Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☒ No

☐ Yes. Check one:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

☐ Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

☐ Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* Amounts are subject to adjustment on 4/01/16 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☒ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 07/29/2021
 MM / DD / YYYY

/s/ Joshua Hackman

Signature

Print the name of the person who is completing and signing this claim:

Name Joshua Hackman
 First name Middle name Last name

Title General Counsel

Company Ford City Realty LLC, Ford City CH LLC, and Ford City Nassim LLC
 Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 150 Great Neck Road, Suite 304
 Number Street

Great Neck NY 11021
 City State ZIP Code

Contact phone (516) 773-0010 Email josh@namdarllc.com

**RIDER TO PROOF OF CLAIM FILED BY
FORD CITY REALTY LLC, FORD CITY CH LLC, AND FORD CITY NASSIM LLC**

1. This proof of claim is filed on behalf of Ford City Realty LLC, Ford City CH LLC, and Ford City Nassim LLC (collectively, the “Claimants”).

2. Claimants, as tenants-in-common, own and operate the Ford City Mall, which is a shopping center located on a parcel of land contiguous with a condominium complex in Chicago, Illinois (the “Ford City Condominium”). The Debtor is the association for the Ford City Condominium.

3. Claimants submit this Proof of Claim and Rider (the “Proof of Claim”) in the amount of at least \$1,399,635.48. Documents relating to this Proof of Claim but not attached herein may be obtained by contacting Claimants’ counsel, Peter A. Siddiqui (peter.siddiqui@katten.com) or Ethan D. Trotz (ethan.trotz@katten.com).

4. On April 20, 2021 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code.

5. Pursuant to a certain Agreement (the “Agreement”)¹ executed in 1978 by the predecessor owners of the Ford City Mall and Ford City Condominium, the Claimants purchase water from the City of Chicago and make available such water to the Ford City Condominium. The Debtor is then obligated to reimburse Claimants for the costs of the portion of water provided to the Debtor.

¹ The Agreement is attached as **Exhibit A** to the *Motion for Adequate Assurance or, in the Alternative, Authorization to Terminate Utility Services* [Docket No. 17].

6. Prior to the Petition Date, the Claimants commenced litigation in the Circuit Court of Cook County, Illinois seeking a judgment against the Debtor for amounts owed under the Agreement.²

7. Claimants have continued to perform under the Agreement after the Petition Date.

8. This Proof of Claim is not intended to be, and shall not be, construed as (i) an election of remedies, (ii) a waiver of any defaults, or (iii) a waiver or limitation of any rights, remedies, claims or interests of the Claimants.

9. Claimants reserve the right to amend and supplement this Proof of Claim at any time and from time to time and in any respect, including, but not limited to, for purposes of fixing, increasing, or amending in any respect the amounts referred to herein and asserting administrative claim status for all or any portion of any of the amounts claimed herein.

10. This Proof of Claim is filed without prejudice to the Claimants' rights under the Bankruptcy Code or otherwise, including, but not limited to, any and all rights of setoff and recoupment. Claimants expressly preserve all of their rights and claims against the Debtor under the Bankruptcy Code and applicable non-bankruptcy law.

11. This Proof of Claim is not subject to setoff or counterclaim.

² See *Ford City Realty LLC, et al. v. Ford City Condominium Assoc.*, Case No. 2018-L-008190 (Cook County Circuit Court, Illinois).